

FEATURE

ETHICS TODAY

A photograph of a person, likely a woman, sitting at a desk and writing on a document with a pen. The desk is cluttered with various papers and folders. In the background, there are shelves filled with books or binders. A large, semi-transparent green geometric shape, consisting of several overlapping triangles, is superimposed over the left and bottom portions of the image, partially obscuring the person and the desk.



ARE OUR PRINCIPLES STILL RELEVANT?

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In 1939 technological advances included the first handheld electric slicing knife, the first mass-produced helicopter, and the first transmission of a picture via a cable system (Science and Technology 2001). That year also saw the first Code of Ethics adopted by the American Library Association (ALA OIF 2010, 311). Can an ethical code first promulgated the year World War II began remain relevant more than a decade into the twenty-first century? This article will demonstrate why our ethical principles are more important than ever and will inform the reader about the latest developments related to the Code of Ethics.

Overseen by the Committee on Professional Ethics (COPE), the Code of Ethics of the American Library Association outlines the key concerns of the library profession, including our commitment to equal and equitable access to information, our opposition to censorship, our protection of privacy, and our nuanced relationship with copyrighted information. It is not a static document; indeed, it has changed significantly over the years, with the version most familiar to current librarians dating to 1995. The Code of Ethics is an aspirational expression of our core principles, and in everyday situations librarians may sometimes need assistance in translating those principles into actions. School librarians, who are often the only library professionals in their buildings, may have to explain defense of controversial materials to colleagues—some of whom may

not share the same commitment to free access to information. For this reason, it is important for COPE to be aware of current ethical concerns and provide guidance to librarians.

In preparing the ninth edition of ALA's *Intellectual Freedom Manual*, the editor interviewed librarians to determine if there were new areas of concern that needed to be addressed

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by the manual (Magi 2013). One issue that rose to the top was copyright. While the 1995 revision of ALA's Code of Ethics included a reference to intellectual property for the first time (in Article IV: "We respect intellectual property rights"), no further guidance was provided at that time (ALA 1995). In response to feedback from the profession, in 2008 COPE recommended the expansion of Article IV to read as follows:

We respect intellectual property rights *and advocate balance between the interests of information users and rights holders.* (ALA 2010) [italics added to indicate new text]

This change was adopted by the ALA Council, but the text of Article IV was still the only guidance on anything related to copyright from a perspective of intellectual freedom or ethics. In 2013 COPE began working with other ALA offices, committees, and experts to draft a statement on copyright. COPE used the model of interpretations of the Library Bill of Rights, which provides an opportunity to expand upon concepts found within the Library Bill of Rights without having to alter the original document. After months of drafting, public comment periods, and revisions, COPE presented "Copyright: An Interpretation of the Code of Ethics" to the ALA Council, which adopted the statement at the 2014 ALA Annual Conference (ALA 2014).

The copyright interpretation goes beyond a statement of principles to provide clear guidance regarding the expectations and responsibilities of librarians. It defines copyright for the purposes of librarians, and describes the special privileges accorded to librarians in the context of appropriate use of copyrighted materials. After enumerating the rights of libraries regarding the creation of copies and the preservation of information, the copyright interpretation also outlines the expectations for librarians' professional competencies

related to copyright. These include the expectation for librarians to:

...remain informed about copyright developments, particularly those that can limit or restrict the rights of users or libraries. Librarians should develop a solid understanding of the purpose of the law and knowledge of the details of the law relevant to the activities of the library, the ability to critically analyze circumstances relying on fair use or other limits to the rights of copyright holders, and the confidence to implement the law using good judgment. (ALA 2014)

These expectations clearly define librarians' role as copyright experts within their institutions. While this role may seem daunting, many sources can help librarians stay informed. Carrie Russell's *Complete Copyright for K–12 Librarians and Educators* [ALA 2012] is an excellent resource for learning more about scenarios specific to the school library environment. In addition, *Copyright Law for Librarians and Educators* by Kenneth Crews [ALA 2012] provides detailed information about copyright law and its implications for librarians in all types of institutions.

Copyright is one of many issues addressed by the Code of Ethics (ALA 2008) that have continuing relevance. Reviewing the code reveals a plethora of additional current concerns:

- “We provide the highest level of service to all library users...” [Article I]—Without librarians in every school, service to students and teachers will be diminished. Numerous studies have shown the connection between school librarians and academic achievement (Lance and Russell 2004).

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- “We uphold the principles of intellectual freedom and resist all efforts to censor library resources” [Article II]—School libraries continue to have more challenges to collection materials than any other type of library (ALA 2015). School librarians are the front lines of defense for keeping materials in our libraries.
- “We protect each library user’s right to privacy and confidentiality...” [Article III]—Because of the Family Educational

Rights and Privacy Act (FERPA) and state laws, school librarians have a challenging time when it comes to protecting student privacy (Adams 2014).

- “We treat co-workers and other colleagues with respect, fairness, and good faith...” [Article V]—There is a timeless need to remind everyone about the expectations for professional conduct, especially when staffing is stretched thin due to tight budget situations.
- “We do not advance private interests at the expense of library users, colleagues, or our employing institutions” [Article VI]—Like all other librarians, school librarians must conform to expectations regarding the separation of our professional responsibilities and any private interests, such as side businesses and family ownership of potential vendors.
- “We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere...” [Article VII]—School librarians must leave their personal opinions and beliefs at home, and must assure that their collections and services are not influenced by their personal beliefs.
- “We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession” [Article VIII]—Because tight budgets sometimes do not allow paying for

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substitutes, school librarians have more barriers to overcome to take advantage of professional development opportunities. Additionally, the precarious funding for school libraries adds another hurdle to recruiting new talent to the field.

In addition to these issues, school librarians must also be aware of these ethical concerns:

- **Digital Divide:** A lack of consistent access to broadband Internet connections combined with the economic barriers to device ownership means that school libraries will continue to be the best option for underprivileged students to access online information. Compensating for and, when possible, eliminating the digital divide are directly related to the Code of Ethics statement in Article I regarding equitable access.
- **Diversity:** The latest statistics report that just 12 percent of librarians self-identify as people of color (ALA 2012). Given the increasing diversity of our communities, all librarians, including school librarians, face the challenge of connecting with communities that may not reflect the demographics of the available professional librarians.
- **User-Created Content:** School libraries have always been laboratories for creation and learning. With the advent of makerspaces and other initiatives to spur creativity in our libraries, we must consider how to balance the free-expression rights of our users with the challenges of keeping our libraries a safe space for all users.

Like the helicopter and images transmitted by cable, our ethics

are still relevant today more than seventy-five years after their initial adoption, and the principles in the Code of Ethics continue to shape the work we do. Copyright, though a more recent ethical concern, is central to our profession. Without the resources made available through the incentives of copyright, our library shelves would be empty. At the same time, without the limits on copyright that exist under current law, our users would be severely restricted in their ability to engage and transform information into new forms of knowledge. As librarians, we are called to educate our communities about both the freedoms and restrictions of using copyrighted materials, and school librarians have a special obligation to teach students about the ethical use of copyrighted information.

The Committee on Professional Ethics and other units of ALA will continue to provide guidance on these matters. To provide the most relevant assistance, COPE invites school librarians to suggest



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new topics for interpretation and explanation. Together, we will ensure that our profession is ready to take on the latest ethical challenges while continuing to provide library users with the highest level of service.

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